

REMARKS**Summary of the Office Action**

In the Office Action, claims 1-6, 16, and 19-23 were rejected under 35 U.S.C. § 103(a) as being obvious over *Ge et al.* ("Ge") (U.S. Patent No. 5,859,508) in view of *Saito et al.* ("Saito") (U.S. Patent No. 6,474,825 B1). Claims 7-15 and 17 were rejected under 35 U.S.C. § 103(a) as being obvious over *Ge* and *Saito* as applied to claim 1 above, and further in view of *Lowe* (U.S. Patent No. 5,561,343) and *Anderson et al.* ("Anderson") (U.S. Patent No. 5,811,927).

Summary of the Response to the Office Action

Applicant respectfully submits that all claims are in condition for allowance. Accordingly, claims 1-23 are pending for further consideration.

All Subject Matter Complies With 35 U.S.C. § 103(a)

Claims 1-6, 16 and 19-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ge* in view of *Saito*. Applicant traverses this rejection for the following reasons.

The Office Action states that "it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ge's supporters with Saito's light-scattering layer in order to maintain the distance between the substrate and the light-scattering layer." Applicant respectfully disagrees with this assertion.

Ge teaches a flat matrix cathodoluminescent device with simplified multiple electrode structure and processing methodologies particularly useful for large-area, single piece, full color hang-on-wall type displays. *Ge* is constructed of many cathode ray tubes (CRTs) that display images by exciting phosphor dots with a scanned electron beam. CRTs are glass envelopes containing a negative electrode that emits electrons when heated, in a vacuum tube. The electrons are accelerated across a voltage gradient towards the flat surface of the tube (the

screen) which is covered with phosphor. When an electron strikes the phosphor, light is emitted.

See the abstract and column 1, lines 19-25 and column 1, line 65 to column 2, line 10 of *Ge*.

Saito, on the other hand, teaches a planar light-emitting display panel device of the edge-lighting type used for demonstration of an image such as a painting, photograph, or commercial product. The image is back-lit by the light source after reflecting off a reflection sheet 4 and then passing through a light-diffusion sheet 3, which diffuses the light evenly toward the image. See the abstract and column 3, lines 34-52 of *Saito*.

The claimed invention, in contradistinction, teaches a flat type fluorescent lamp that uses electrodes to excite a discharge gas 19 contained between a first substrate 16 and a second substrate 17. The discharge gas 19 gives off light to illuminate an LCD panel from behind. Before the light reaches the LCD panel it passes through a light-diffusion portion 14 and light-scattering means 15 to ensure that the light is evenly distributed across the LCD panel. A plurality of supporters 13 are formed on the first substrate 16 (facing outward from the first substrate) to prevent the light scattering means 15 from subsiding onto the first substrate 16. See Fig. 3A and page 7, lines 6-18 of the specification.

To establish a *prima facie* case of obviousness, three basic criteria must be met (MPEP §§ 2142-2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations.

Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because it has not identified any suggestion or motivation to combine the cited reference teachings. There is no suggestion or motivation to combine because the

combination of *Ge* and *Saito* cannot result in the claimed invention. The light-diffusion layer 3 of *Saito* cannot be physically located adjacent the spacer structure 502 of *Ge* and operate to diffuse light. Even if the light-diffusion layer 3 of *Saito* could be located adjacent to the spacer structure 502 of *Ge* (located between the substrates), only electrons traveling in a vacuum would be present at that location. No light is emitted through that location to be diffused by a light-diffusion layer 3. *Ge* teaches that light is emitted toward the faceplate 504 from the phosphor dots 514 that have been excited by electrons. Therefore, the light emanating from the phosphor dots 514 cannot pass through the alleged location of the light-diffusion layer 3.

MPEP § 2143.01 states that “the level of skill in the art cannot be relied upon to provide the suggestion to combine references.” Here, the suggestion or motivation to combine is not provided by either of the references or by knowledge generally available to one of ordinary skill in the art. Applicant respectfully submits that the rejection of the claims is impermissible hindsight and that there is insufficient support for establishing *prima facie* obviousness. Thus, the Office Action has not established a *prima facie* case of obviousness for at least the reasons mentioned above, and that all of the rejections under 35 U.S.C. § 103(a) should be withdrawn.

With regard to the rejection of claims 7-15 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Ge* and *Saito* as applied to claim 1 above, and further in view of *Lowe* and *Anderson*. *Lowe* and *Anderson* do not make up for the above mentioned deficiencies of *Ge* and *Saito* and therefore all the rejections under 35 U.S.C. § 103(a) should be withdrawn.

In view of the above arguments, Applicant respectfully requests reconsideration and that the rejection of claims 1-23 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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